

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LARRY G. WATKINS,
Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

DECISION AND ORDER

06-CV-485S

03-CR-93S

On August 13, 2007, this Court denied Petitioner's Motion to Vacate his sentence pursuant to 28 U.S.C. § 2255. (Docket No. 1 in 06-CV-485S). Petitioner now moves for a Certificate of Appealability for that Decision and Order. (Docket No. 5 in 06-CV-485S). Because the issues raised by Petitioner are not the type of issues that a court could resolve in a different manner, and because these issues are not debatable among jurists of reason, this Court concludes that petitioner has failed to make a substantial showing of the denial of a constitutional right, and accordingly the Court denies a certificate of appealability.

Petitioner must file any notice of appeal with the Clerk's Office, United States District Court, Western District of New York, within thirty (30) days of the date of judgment in this action. Requests to proceed on appeal as a poor person must be filed with the United States Court of Appeals for the Second Circuit in accordance with the requirements of Rule 24 of the Federal Rules of Appellate Procedure.

IT HEREBY IS ORDERED that Petitioner's Motion for a Certificate of Appealability is DENIED

SO ORDERED.

Dated: December 13, 2007
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge